

Application Serial No. 10/557,519

OT-5302

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 8 and 10-15 were pending in the application and were rejected in the Office Action. By way of this Amendment, Applicants have canceled claims 13 and 15, without prejudice or disclaimer. Accordingly, claims 8, 10-12, and 14 are pending for further consideration.

**1. Rejections of Claims 8 and 10-15**

Under 35 U.S.C. § 103(a), the Examiner rejected: (a) claims 8 and 10-12 as allegedly being obvious when considering U.S. Patent No. 6,006,865 ("Ammon") in view of U.S. Patent Application Publication No. 2001/0040071 ("Sasaki"); (b) claims 8, 10, 12, and 14 as allegedly being obvious when considering U.S. Patent Publication No. Publication No. 2004/0262087 ("Ach") in view of Sasaki; and (c) claims 13 and 15 as allegedly being obvious when considering Ach in view of U.S. Patent No. 4,793,441 ("Cilderman"). Initially, the rejection of claims 13 and 15 is now moot due to the cancellation herein of those claims. Accordingly and for at least the following reasons, Applicants will address and respectfully traverse each of the rejections of claims 8, 10-12, and 14.

As previously presented, claim 8 (*i.e.*, the claim from which claims 10-12 and 14 depend) recites an elevator that includes, among other possible things:

- a car is guided in a shaft to move vertically along a pair of first guide rails between which the car is arranged;
- a counterweight is guided to move vertically via a pair of second guide rails between which the counterweight is arranged;
- at least one drive rope that connects the car and the counterweight is wound on the drive sheave of a hoist so that as the drive sheave is driven to rotate, the car and the counterweight move vertically in opposite directions;
- a cantilevered support member fixed to one of the guide rails; and*
- a car overspeed governor mounted to the cantilevered support member,*

wherein the first guide rails are arranged at approximately diagonal positions with the car therebetween, and

wherein one end of the at least one drive rope is fastened to the cantilevered support member.

As above-italicized, claim 8 recites a cantilevered support member to which a car overspeed governor is mounted and to which an end of at least one drive rope is fastened. In rejecting claim 8, the Examiner acknowledged that: (a) "Ammon is silent concerning a cantilevered support member; and a car overspeed governor mounted to the cantilevered

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support member"; and (b) "Ach is silent concerning a car overspeed governor mounted to the cantilevered support member 9." To cure the admitted deficiencies of both Ammon and Ach, the Examiner turns to Sasaki.

Applicants acknowledge that Sasaki teaches a cantilevered support member that supports a car overspeed governor. However, Sasaki's cantilevered support member (bracket 18) can not be used to replace either Ammon's support member (carrier yoke 9) or Ach's support member (bracket 9). In both cases, replacing the support member 9/9 (Ammon/Ach) with Sasaki's cantilevered support member 18 would place Sasaki's car overspeed governor 13 in conflict with the moving counterweight 3/15 (Ammon/Ach), thereby rendering the elevator system completely inoperable. Where the "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." M.P.E.P. § 2143.01(V).

In light of the foregoing, neither the combination Ammon with Sasaki nor the combination of Ach with Sasaki can be used to reject claim 8 under 35 U.S.C. § 103(a) and, therefore, the rejections of claim 8 based on Ammon with Sasaki and on Ach with Sasaki should be withdrawn. Moreover, as claims 10-12 and 14 depend from claim 8, each of these dependent claims is also allowable over Ammon, Ach, and Sasaki. Accordingly, a withdrawal of the various § 103(a) rejections of claims 8, 10-12, and 14 is both warranted and earnestly solicited.

## 2. Conclusion

In light of the foregoing, claims 8, 10-12, and 14 are in condition for allowance. If the Examiner believes that a telephone conference will be useful to move this case forward toward issue, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

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